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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

**DERMA PEN, LLC,**

**Plaintiff,**

**v.**

**4EVERYOUNG LIMITED d/b/a  
DERMAPENWORLD, BIOSOFT (AUST)  
PTY LTD d/b/a DERMAPENWORLD,  
EQUIPMED INTERNATIONAL PTY LTD  
d/b/a DERMAPENWORLD, and STENE  
MARSHALL d/b/a DERMAPENWORLD,**

**Defendants.**

**AND RELATED CLAIMS.**

**NOTICE OF CONVENTIONAL FILING  
OF PLAINTIFF'S TRIAL BRIEF ON  
FRAUDULENT INDUCEMENT AND  
PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

**Civil Action No. 2:13-cv-00729-DN**

**District Judge David Nuffer**

**Magistrate Judge Evelyn Furse**

**JURY TRIAL DEMANDED**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE THAT Plaintiff Derma Pen, LLC, by and through their counsel of record, has conventionally filed its Trial Brief on Fraudulent Inducement (the “Trial Brief”) and Proposed Findings of Fact and Conclusions of Law.

The Trial Brief and Proposed Findings of Fact and Conclusions of Law have not been filed electronically because they contain “Sealed Material” as that term is defined in DUCivR 5-2. The Trial Brief and Proposed Findings of Fact and Conclusions of Law reference and discuss documents that have been designated “CONFIDENTIAL” and/or “HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY” by the parties under the Standard Protective Order. Given the parties’ designations and the nature of these documents, the Trial Brief and Proposed Findings of Fact and Conclusions of Law contain information protectable as trade secrets and/or other confidential research, development, or commercial information, or other confidential or sensitive business information, and constitutes Sealed Material.

The Trial Brief and Proposed Findings of Fact and Conclusions of Law were previously submitted to the Court and counsel for Defendants via electronic mail on June 23, 2014, pursuant to the Court’s Memorandum Decision and Order re: Expedited Schedule on Rescission Claims and Trademark Rights and Staying All Other Issues in the Case.<sup>1</sup> Plaintiff’s counsel also re-submitted the Trial Brief and Proposed Findings of Fact and Conclusions of Law to the Court’s chambers via email on July 29, 2014.

Per the Court’s instruction on July 29, 2014, the Trial Brief and Proposed Findings of Fact and Conclusions of Law are being filed under seal pursuant to DUCivR 5-2(D)(1)(c) and

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<sup>1</sup> Doc. 155, entered May 14, 2014 and filed May 15, 2014.

delivered to counsel of record on this day via electronic mail and will be hand-delivered to the Court and counsel for Defendants on July 30, 2014.

Dated: July 29, 2014

Respectfully submitted,

/s/ Samuel F. Miller

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2014, I filed a copy of the foregoing document via CM/ECF with the Court and thereby served a copy on all counsel of record

/s/ Samuel F. Miller

Samuel F. Miller